



1 Plaintiff Julie Kotovsky ("Plaintiff") and Defendant Longs Drug Stores, California,  
2 Inc. ("Defendant"), by and through their counsel, and subject to Court approval, hereby  
3 stipulate as follows:

4 WHEREAS, Plaintiff filed her Complaint in this action on February 2, 2007, and  
5 filed an Amended Complaint on May 10, 2007;

6 WHEREAS, Defendant filed its Answer to the Amended Complaint on May 29,  
7 2007, and filed an Amended Answer to the Amended Complaint on June 7, 2007;

8 WHEREAS, there are currently nearly one hundred (100) cases currently pending in  
9 United State District Courts in California against businesses for alleged violations of 15  
10 U.S.C. § 1681c(g), a provision of the Fair and Accurate Credit Transactions Act  
11 ("FACTA");

12 WHEREAS, in each of the FACTA cases, plaintiffs seek to certify a class action  
13 based on alleged willful violations of 15 U.S.C. § 1681c(g);

14 WHEREAS, Plaintiff's allegations in the Amended Complaint are similar to the  
15 allegations made in other FACTA cases;

16 WHEREAS, in more at least ten FACTA cases, courts in the United States District  
17 Court for the Central District of California have heard motions to certify a class;

18 WHEREAS, the United States District Court for the Central District of California  
19 has denied class certification in each of these FACTA cases:

- 20 1) *Spikings v. Cost Plus, Inc.*, Case No. CV 06-08125;
- 21 2) *Parseghian v. Bally North America, Inc.*, Case No. 07-0347;
- 22 3) *Najarian v. Charlotte Russe, Inc.*, Case No. 07-0501;
- 23 4) *Soualian v. International Coffee and Tea, LLC*, Case No. 07-0502;
- 24 5) *Najarian v. Avis Rent A Car Systems, LLC*, Case No. 07-0588;
- 25 6) *Evans v. U-Haul of California, Inc.*, Case No. 07-2097;

26 WHEREAS, the plaintiffs in at least three of those cases have sought permission to  
27 appeal those rulings to the Ninth Circuit Court of Appeals:

- 28 1) *Spikings v. Cost Plus, Inc.*, Appellate Case No. 07-80089;

1           2)     *Soualian v. International Coffee and Tea, LLC*, Appellate Case No. 07-  
2                 80100;

3           3)     *Najarian v. Charlotte Russe, Inc.*, Appellate Case No. 07-80103;

4           WHEREAS, the parties agree that the Ninth Circuit's potential decision on those  
5     appeals may affect the legal framework of this case;

6           WHEREAS, the parties agree that a stay of this action will conserve judicial and  
7     party resources, avoid unnecessary expenditures of time, effort, and money;

8           NOW, THEREFORE, for good cause shown, the parties, by and through their  
9     undersigned counsel, hereby stipulate as follows:

10          1.     That this action be stayed in its entirety pending a determination in the Ninth  
11     Circuit on whether to hear the appeals from the orders denying class certification in  
12     *Spikings v. Cost Plus, Inc.*, Case No. 06-08125; *Parseghian v. Bally North America, Inc.*,  
13     Case No. 07-00347; *Najarian v. Charlotte Russe, Inc.*, Case No. 07-00501; *Soualian v.*  
14     *International Coffee and Tea, LLC*, Case No. 07-00502; *Najarian v. Avis Rent A Car*  
15     *Systems, LLC*, Case No. 07-00588; and/or *Evans v. U-Haul of California, Inc.*, Case No.  
16     07-2097; or any subsequent appeals filed in other FACTA class actions.

17          2.     If the Ninth Circuit determines to hear any or all of these appeals, this case  
18     shall remain stayed until all appeals are exhausted on the class certification issue, including  
19     any review by the United States Supreme Court.

20          3.     The parties suggest that every six months, the Court set a status conference  
21     to determine whether it is appropriate to continue the stay of this action. The parties  
22     reserve the right to approach the Court at any time and, upon a showing of good cause, seek  
23     modification, extension or termination of this order.

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25     //

26     //

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1 Dated: August 17, 2007

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1 Dated: August 17, 2007

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8 **ATTESTATION**

9 I attest that signatories Eric A. Grover, Mark R. Thierman, Scott A. Miller and  
10 Steven L. Miller have concurred in the filing of this document.

11 Dated: August 17, 2007

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18 **ORDER**

19 Upon the Stipulation of the parties, and for good cause shown, this action is stayed  
20 in its entirety pending a determination by the Ninth Circuit whether it will grant permission  
21 to appeal the orders denying class certification in *Spikings v. Cost Plus, Inc.*, Case No. 06-  
22 08125; *Parseghian v. Bally North America, Inc.*, Case No. 07-00347; *Najarian v. Charlotte*  
23 *Russe, Inc.*, Case No. 07-00501; *Soualian v. International Coffee and Tea, LLC*, Case No.  
24 07-00502; *Najarian v. Avis Rent A Car Systems, LLC*, Case No. 07-00588; and *Evans v. U-*  
25 *Haul of California, Inc.*, Case No. 07-2097.

26 If the Ninth Circuit determines to review any or all of the aforementioned orders,  
27 this case shall remain stayed until the Ninth Circuit Court of Appeals issues a ruling, and all  
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1 appeals are exhausted on the class certification issue, including any review by the United  
2 States Supreme Court.

3 A status conference shall be set for 12/11/07 at 2:00 PM to determine whether it is  
4 appropriate to continue the stay of this action. Further status conferences on the  
5 appropriateness of this stay shall be set thereafter. The parties reserve the right to approach  
6 the Court at any time and, upon a showing of good cause, seek modification, extension or  
7 termination of this order.

8 The parties shall submit a report on October 15, 2007 as to the status of the appeals  
9 in other FACTA cases, and any developments in this case. The parties will also inform the  
10 Court as to whether the stay should remain in place or be lifted.

11 IT IS SO ORDERED.



Honorable Martin J. Jenkins  
District Judge